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Planning Justification Report

In support of an Application for Consent

Part of Lot 15 Concession 9 Geographic Township of Harvey, Municipality of Trent Lakes, County of Peterborough

Prepared for: Dan Barnes

EcoVue Reference No.: 21-2195

Date: February 16, 2023



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1.0 BACKGROUND

This Planning Justification Report has been prepared on behalf of Dan Barnes, in support of four (4) applications for Consent (two severances, one lot line adjustment, and an easement) and a Zoning By-Law Amendment application on a property located in the Municipality of Trent Lakes. The subject lands are located at Part of Lot 15, Concession 9, Geographic Township of Harvey, now in the Municipality of Trent Lakes, County of Peterborough (**Figure 1 – Site Location**). The subject property currently contains a single residence and is approximately 8.8 hectares (21.74 acres) with frontage on County Road 36.

An amendment to the Municipality of Trent Lakes Zoning By-law to recognize the reduced lot frontage of one of the proposed lots will be required to permit the proposed severances. This report will examine the proposed Zoning By-law Amendment (ZBA), in addition to the Consent applications, in the context of the applicable land use planning policies.

1.1 Site Description and Proposal

The subject property is located at Part of Lot 15, Concession 9, Geographic Township of Harvey, now in the Municipality of Trent Lakes, County of Peterborough, and is municipally known as 0 Fire Route 81, Municipality of Trent Lakes. The property is approximately 8.8 hectares (21.74 acres) with 166.19 metres of frontage on County Road 36, and 87.47 metres of shoreline frontage on Big Bald Lake. The lands are accessed via Fire Route 81, which is a privately maintained road that connects to County Road 36.

The subject lands contain a single detached dwelling near the shoreline of Big Bald Lake and contain a mix of forest, watercourses, waterbodies, provincially significant wetlands and non-significant wetlands. The portions of the property near the shoreline are comprised of exposed bedrock. The property is designated Shoreland Area and Rural in the County of Peterborough Official Plan and Recreational Dwelling Area, Rural, and Environmental Protection in the Municipality of Trent Lakes Official Plan. It is zoned the Rural Exception 45 (RU-45) Zone and Environmental Protection (EP) Zone in the Municipality of Trent Lakes Zoning By-law 2014-070 (TLZBL).

The applicant is proposing to create two (2) severed lots and one (1) retained lot while also proposing a minor lot line adjustment which includes severing a portion of the subject property and merging it with the neighbouring lot located to the northwest. One of the severed lots contains the existing residence. The

remaining severed and retained lots have been configured to accommodate single detached dwellings with individual private septic and well.

The proposed lot configuration can be seen in **Figure 2 – Consent Sketch** and will result in the following configuration of the severed and retained lots:

- **Severed Lot 1** – The proposed severed Lot 1 will be a shoreline lot with 87.47 metres of frontage on Big Bald Lake and a lot area of approximately 0.59 hectares. This lot will have road access via a driveway from Fire Route 81. It should be noted that there are marinas and docking facilities such as Oak Shores Marina and Catalina Bay Resort within 10 kilometer radius of the property which could be used for parking and docking purposes. This lot contains the existing house and septic system on this site. The Consent for Easement/Right-of-Way will cross Lot 2 to provide legal and continued access to the proposed lot via the existing driveway.
- **Severed Lot 2** – The proposed severed Lot 2 will have 144.82 metres of frontage on County Road 36 and a lot area of approximately 4.24 hectares. The access to Lot 2 will be via County Road 36. A single detached dwelling is anticipated on this lot in the future.
- **Easement/Right-of-Way** – The proposed Easement/Right-of-Way (ROW) will cross lot 2, following Fire Route 81 and the existing driveway to provide vehicular access to the existing dwelling on Severed Lot 1.
- **Lands to be Severed and Added to Benefiting Lands** – A portion of the subject lands located to the north will be severed and merged with the neighbouring lot to the west. The severed portion is currently vacant and is approximately 0.11 hectares.
- **Benefitting Lands** – The benefitting lands are located to the northwest of the subject property and contain a single detached dwelling. The lot is currently 0.11 hectares in lot area and will become 0.23 hectares after the lot addition.
- **Retained Lot 3** – The proposed retained lot will include the balance of the existing property. Lot 3 will have 21.43 metres of frontage on County Road 36 and a lot area of approximately 3.84 hectares. The access to Lot 3 will be via the existing Fire Route 81 and it is anticipated that a single detached dwelling will be constructed on this lot in the future.

The proposed lot lines will transect the existing wetlands (both provincially significant and non-significant) and the 30-metre wetland setbacks, which is discussed in Section 2.2.2 of this report.

1.2 Surrounding Land Uses

The land uses surrounding the subject properties (i.e., within 500 metres) include rural, shoreline residential, and open space lands. Specifically, the lands immediately west of the property are comprised primarily of existing shoreline/seasonal residential uses.

The following uses are located on lands in each direction:

- North – Rural Residential Uses and County Road 36;
- South – Big Bald Lake;
- East – Rural Residential Uses and County Road 36; and
- West – Shoreline Residential Uses – both permanent and seasonal and Big Bald Lake.

Both the retained and severed lots will accommodate residential uses which are in keeping with the surrounding land uses, which include rural lands and rural/shoreline residential uses.

1.2.1 Natural Heritage Features

According to provincial mapping and the findings from the Natural Heritage Evaluation prepared by Oakridge Environmental, there are natural heritage features located on and adjacent to (i.e., within 500 metres of) the subject lands, including:

- Significant woodlands located on the subject lands and throughout the 500-metre adjacent area;
- Provincially Significant Wetlands and non-significant wetlands located on the subject lands and within 500 metres;
- Waterbodies located on the subject lands and throughout the 500-metre adjacent area
- One permanent (1) watercourse that begins to the north and traverses the eastern portions of the property before draining into Big Bald Lake; and
- Big Bald Lake located adjacent to the western boundary of the property.

1.3 Preliminary Severance Review

In preparation for these applications, EcoVue completed a Preliminary Severance Review (PSR) with the County of Peterborough which is included as **Appendix A**. It should be noted that the proposal has undergone minor changes since the submission of the PSR. Specifically, the configuration of the lots changed slightly to ensure adequate building envelopes on the proposed and retained lots based on the results of technical studies. Furthermore, the proposed lot line adjustment and ROW were not previously delineated. It is our opinion, however, that the changes to the proposal do not constitute a substantial change from the previous submission.

It was identified in the PSR that the following items were required to enable the severances on the subject lands:

- Natural Heritage Evaluation (NHE), which has been prepared by Oakridge Environmental Ltd.; and
- Stage 1 & 2 Archaeological Assessment, which has been prepared by Earthworks Archaeological Services Inc.

It should be noted that the County provided comments in the PSR regarding key hydrologic features (wetlands and watercourses) and had recommended that the proposed lot lines avoid intersecting these features or their vegetative protection zones (VPZs). It is our understanding, based on the reference to VPZs, that these comments were intended to address key hydrologic and heritage feature policies within A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

As noted, the lot lines of the proposed lots traverse the natural features on the property as well as their VPZs. However, it is our professional opinion that the lot lines do not result in negative impacts to those features and can be protected via planning instruments (e.g. zoning and development agreements). Furthermore, the establishment of lot lines does not constitute “development”, as defined in the PPS or Growth Plan. Section 2.2.5 of this report speaks in detail about the natural features present on the property and their implication to the proposed development and associated lot lines.



**SUBJECT PROPERTY
AREA = ±8.79ha**



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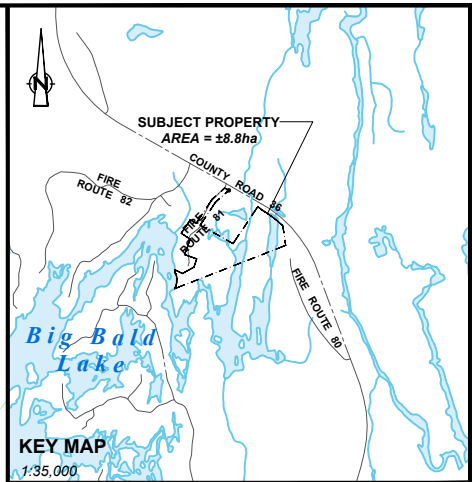
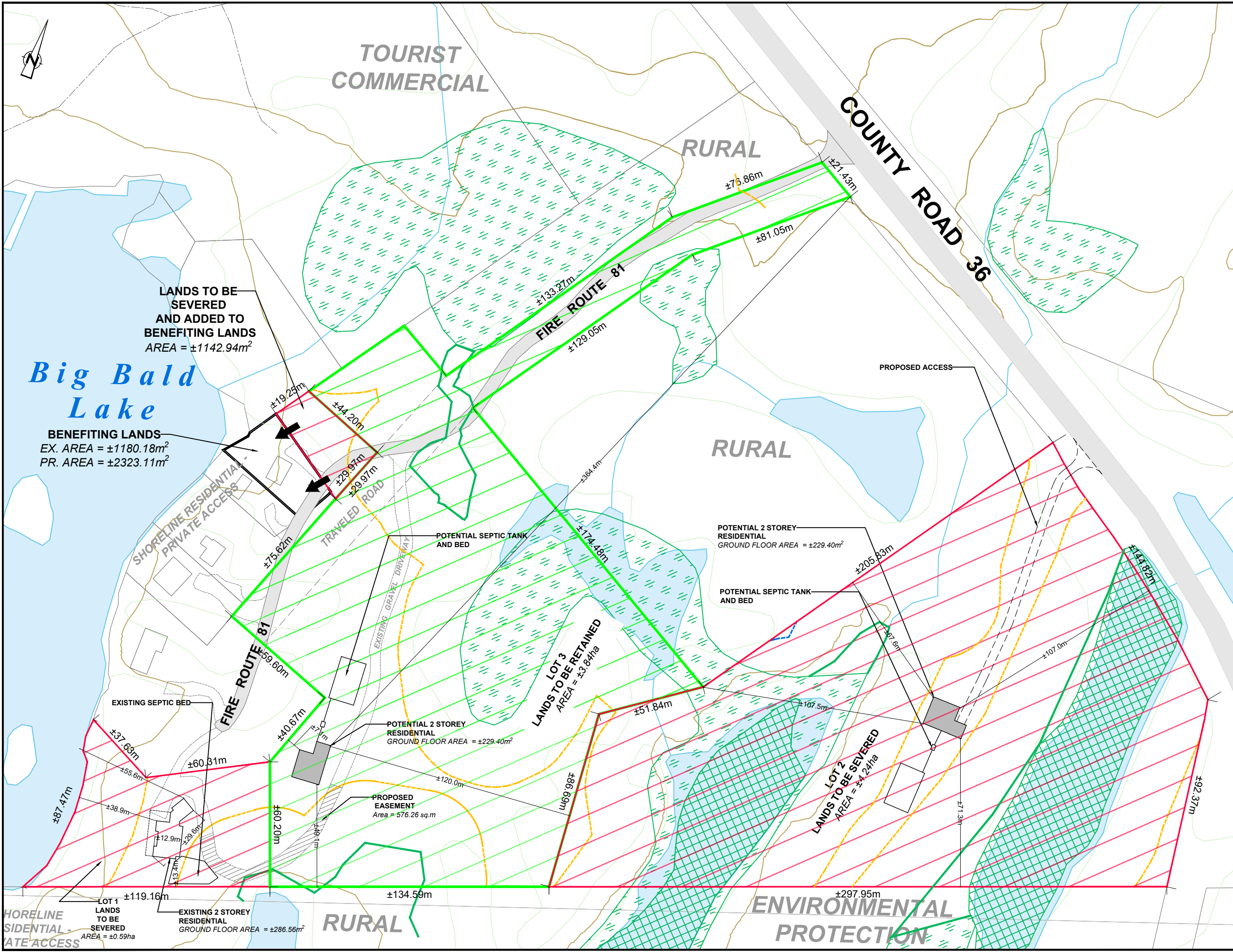
PROJECT NO: 21-2195

DATE: January 13, 2023

HORIZ. SCALE: 1: 4,000

**FIGURE 1 - SITE LOCATION
BIG BALD LAKE SEVERANCE
DAN BARNES**


0 FIRE ROUTE 81
PART OF LOT 15, CONCESSION 09
GEOG. TWP. OF HARVEY
NOW IN THE MUNICIPALITY OF TRENT LAKES
COUNTY OF PETERBOROUGH



- LEGEND**
- EXISTING PARCEL
 - EXISTING STRUCTURES
 - EXISTING DRIVEWAY
 - EXISTING UNEVALUATED WETLAND (RETRIEVED FROM LIO)
 - EXISTING PROVINCIALLY SIGNIFICANT WETLAND (RETRIEVED FROM LIO)
 - EXISTING WETLAND/ShORELINE (RETRIEVED FROM OAKRIDGE ENVIRONMENTAL LTD. NATURAL HERITAGE EVALUATION)
 - VEGETATED PROTECTION ZONE (30m)
 - EXISTING WATERBODY (RETRIEVED FROM LIO)
 - EXISTING WATERCOURSE (RETRIEVED FROM LIO)
 - LANDS TO BE RETAINED
 - LANDS TO BE SEVERED

NOTES:

- PROPERTY BOUNDARIES ARE APPROXIMATE.



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DRAWN BY:	MC/SG	PROJECT No.:	21-2195
APPROVED BY:		HORIZ. SCALE:	1:1700
REVISION DATE:	JANUARY 20, 2023	PLOT DATE:	JANUARY 20, 2023
BIG BALD LAKE SEVERANCE			
DAN BARNES 0 FIRE ROUTE 81 PART OF LOT 15, CONCESSION 09 GEOC. TWP. OF HARVEY NOW IN THE MUNICIPALITY OF TRENT LAKES COUNTY OF PETERBOROUGH			
CONSENT SKETCH			CS1

2.0 2.0 POLICY CONSIDERATIONS

Land use policies and regulations affecting the subject lands at the Provincial level include the *Planning Act* and associated 2020 Provincial Policy Statement (PPS), as well as the *Places to Grow Act*, 2005 and the associated A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). At the municipal level, policies from the County of Peterborough Official Plan, the Municipality of Trent Lakes Official Plan and the Municipality of Trent Lakes Comprehensive Zoning By-law are applicable. In this section, the applications are reviewed in the context of the policies and provisions contained within these documents.

2.1 Planning Act

Section 53(12) of the *Planning Act*, R.S.O., 1990, as amended (*Planning Act*) states that the approval authority for a consent shall have regard for Section 51(24), which indicates that “*in considering a [consent], consideration should be had, among other matters, to the health, safety, convenience and accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality*” in which the consent is located.

The proposed lots are intended to be used for residential purposes and will have safe accesses of an existing private road and a municipally maintained road. The proposed lots are in keeping with surrounding uses as detailed throughout this report, have regard for good planning.

In addition to the matters noted above, 51(24) further elaborates that consideration should be given to the following specific items (excerpts Section 51(24) in *italics*):

- (i) *The effect of development of the proposed development on matters of provincial interest as referred to in Section 2 of the Act:*

Section 2 of the *Planning Act* provides a list of “matters of provincial interest”. These matters are discussed in the table below:

Table 1 – Proposal Compliance with Matters of Provincial Interest

Matters of Provincial Interest	Response
(a) the protection of ecological systems, including natural areas, features and functions;	As detailed in the submitted NHE and in Section 2.2.4 and 2.3.1 of this report, the proposal will not result in impacts to ecological systems, subject to the implementation of the mitigation measures included in the report.
(b) the protection of the agricultural resources of the Province;	The proposed severances will not be in close proximity to agricultural uses.
(c) the conservation and management of natural resources and the mineral resource base;	The subject property contains natural heritage and hydrologic features such as watercourses, wetlands and woodlands. No mineral resources exist on or in proximity the property. As discussed in further sections, impacts to these natural features will be appropriately mitigated.
(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;	As discussed in further sections, the subject lands potentially contain archaeological resources due to proximity to Big Bald Lake. However, based on the results of the Stage 1 background investigation and the subsequent Stage 2 test pit survey, the subject lands did not contain materials of archeological significance.
(e) the supply, efficient use and conservation of energy and water;	Future dwellings on the proposed lots will be subject to building code requirements with progressive efficiency requirements. Furthermore, it is our opinion that the proposed development is located in an area with on-site water availability as discussed in Section 2.2.3 of this report.
(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;	Lot 2 (severed) and Lot 3 (retained) will front on County Road 36 which is a publicly maintained road. Lot 1 (severed) will front on Fire Route 81 which is a private road. The proposed lots will be serviced through on-site servicing and on-site waste management methods.
(g) the minimization of waste;	It is anticipated that single detached dwellings produce minimal waste. It is further understood that minimization of waste is under the purview of municipal waste reduction strategies.
(h) the orderly development of safe and healthy communities;	The proposed severances represent orderly development within the community. The proposed severances will create an additional shoreline residential lot and a rural residential lot, both of which will conform to the character of the surrounding uses. Furthermore, the proposed development will not enable development within any natural hazards.

(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;	Any new buildings associated with the severance requires compliance with the building code which includes accessibility requirements. Furthermore, the proposed severed and retained lots are for low density residential use and will not create traffic hazards.
(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;	The proposed development is between 2 to 5 kilometres from several recreational opportunities such as boat launches, trails, public parks, and access to Big Bald Lake. Additionally, the future residents can travel to Buckhorn, a settlement which is located approximately 5 kilometers south of the subject lands, which contains variety of educational, health, social and cultural facilities.
(j) the adequate provision of a full range of housing, including affordable housing;	The proposed severances will provide a building lots for additional residential dwellings within the community.
(k) the adequate provision of employment opportunities;	N/A
(l) the protection of the financial and economic well-being of the Province and its municipalities;	N/A
(m) the co-ordination of planning activities of public bodies;	N/A
(n) the resolution of planning conflicts involving public and private interests;	N/A
(o) the protection of public health and safety;	The proposed lots will not be impacted by natural hazards. Additionally, access to the proposed lots is available via a municipally maintained road and a fire route. Furthermore, building code requirements regarding fire protection and any other health and safety matters will be met in future construction.
(p) the appropriate location of growth and development;	The proposed lots will provide opportunities for additional housing. The proposed lots will have sufficient area for private septic and well and will not result in impacts to natural resources. As such, the property is an appropriate location for growth and development.
(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;	There are no transit opportunities in the subject area. However, the proposed lots will be within walking distance (<500 metres) of recreational opportunities such as trails and lake accesses, which will support pedestrian access.

(r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;	As noted, the proposed lots are in keeping with the overall character of the surrounding area and are considerate of natural features on, and adjacent to the subject lands.
(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.	The proposed dwellings will be subject to energy efficiency requirements under the Building Code which ensure minimal impacts to climate change emissions.

(ii) Whether the proposed [consent] is premature or in the public interest:

The proposed severances are not premature and are in the public interest. As discussed herein, supporting technical documents conclude that the subject lands can accommodate the proposed development, and that the additional residential lots will not result in premature or incompatible development.

(iii) Whether the [consent] conforms to the official plan and adjacent plans of subdivision;

As noted herein, the proposal conforms to the County of Peterborough Official Plan and the Municipality of Trent Lakes Official Plan. There are no adjacent plans of subdivision.

(iv) The suitability of the land for the purposes for which it is to be subdivided;

It is our opinion that the subject lands provide sufficient space to accommodate two (2) additional lots and the lot line adjustment. Furthermore, the supporting technical studies provided with this planning report demonstrate that the lands can accommodate the proposed development.

(v) The number, width, location and proposed grades and elevations of highways, and the adequacy of them;

The proposed lots will be located on a County Road and a Fire Route. No new roads will be constructed as a result of the severances. It is anticipated that these additional lots can be accommodated on the road network without creating a traffic hazard.

(vi) The dimensions and shapes of the proposed lots;

The dimension and shape of the proposed severed and retained lots are consistent with nearby lot configurations but will require an amendment to the Zoning By-law in order to recognize lot deficiencies, which is further discussed in this report.

(vii) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it, and the restrictions, if any, on adjoining land;

The NHE report submitted with this application addresses applicable restrictions on the subject lands, including natural heritage features and their buffers.

(viii) Conservation of natural resources and flood control;

As detailed in Section 2.3.2 of this report, the proposal will not have an impact on natural resources subject to the proposed mitigative measures. In fact, ongoing protection of these resources will be ensured through conditions of consent. Furthermore, as detailed in Section 2.2.4 of this report, flood hazards do not impact the subject proposal.

(ix) The adequacy of utilities and municipal services;

As noted herein, the proposed lots will be serviced with private septic and well in an area with communication and energy services readily available. Given the size of the proposed lots and nearby well records, it is anticipated that the subject lands can be adequately serviced.

(x) The adequacy of school sites;

The subject lands are located close to Buckhorn with public school availability. It is anticipated that these schools would have capacity for 2 additional households, if required.

(xi) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

No conveyance of land for public purposes is anticipated for the subject application. It is anticipated that cash-in-lieu of parkland will be required as a condition of consent.

- (xii) *The interrelationship between the design of the proposed plan of [consent] and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of the Act;*

As noted in Section 41(1.2) of the *Planning Act*, the development of 10 or less residential units is exempt from site plan approval.

Given the above, it is our opinion that the application complies with the provisions included in Section 51(24) of the *Planning Act*.

2.2 Provincial Policy Statement

The Provincial Policy Statement (PPS) provides a policy framework for land use planning within the Province of Ontario. It is the responsibility of the local planning authorities, in this case the County of Peterborough and the Municipality of Trent Lakes, to uphold the policies of the PPS pertaining to land use planning and development. In particular, the planning authorities must ensure that their decisions are consistent with key provincial interest including policies related to settlement areas in urban and rural communities, the wise use and management of resources and public health and safety. This section addressed the policies within the PPS.

It should be noted that the PPS does not contemplate technical severances such as lot line adjustments or easements/ROWs to recognize existing access, as these applications do not meet the definition of development. As such, this section only examines the proposed severances in accordance with the PPS.

2.2.1 Rural Areas and Lands in Municipalities

The subject property is not located in a settlement area and is therefore subject to Section 1.1.4 (Rural Areas in Municipalities) of the PPS. It is stated in this Section that “[r]ural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas”. The subject property is considered part of the *rural lands* as identified in Section 1.1.4.4 and growth and development may be directed to these areas in accordance with Section 1.1.5 of the PPS (see Section 2.2.2 below).

Section 1.1.4.1(a) states that “[h]ealthy, integrated and viable rural areas should be supported by ... building upon rural character and leveraging rural amenities and assets”. The proposed lots will be similar

to, and consistent with, the scale and character of other rural and shoreline residential development in the area. Furthermore, both the future dwellings will match the size and character of other residential structures in the area. Therefore, the proposed development will be consistent with the rural character of the area.

Given the above, it is our opinion that the proposed severance is consistent with the Rural Area and Lands policies of the PPS.

2.2.2 Rural Lands in Municipalities

Section 1.1.5 of the PPS speaks to rural lands in municipalities. It is stated in Section 1.1.5.2 that the permitted uses within rural lands shall include:

- a) *the management or use of resources;*
- b) ***resource-based recreational uses (including recreational dwellings);***
- c) ***residential development, including lot creation, that is locally appropriate;***
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) *home occupations and home industries;*
- f) *cemeteries; and*
- g) *other rural land uses [emphasis added].*

There is an existing residence on Lot 1, which is considered a resource-based recreational use, permitted under Section 1.1.5.2. Since the proposed Lot 2 and retained lot do not front on, or functionally relate to the recreational resource (Big Bald Lake), future development of these lots would not be considered a resource-based recreational use. However, it is our opinion that the creation of these lots should be considered “locally appropriate” residential development, as they are consistent with neighbourhood character, would not impact agricultural resources (the lands cannot sustain agriculture due to natural features and topography), and will not impact natural features, as detailed in the submitted NHE. As such, the proposed development is consistent with Section 1.1.5.2 of the PPS.

Section 1.1.5.8 states that “[n]ew land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae”.

No agricultural uses are present in the surrounding area and as such, it is our opinion that a review of MDS is not required.

2.2.3 Sewage, Water and Stormwater Policies

Policies related to Sewage, Water and Stormwater are found in Section 1.6.6 of the PPS. Section 1.6.6.4 states that, where municipal or communal sewage and water services are not available, private servicing is permitted provided that "*site conditions are suitable for the long-term provision of such services with no negative impacts*". Section 1.6.6.7 further details the criteria for stormwater planning, which focuses on be ensuring stormwater management viability, reducing contaminants, including erosion controls, ensuring no impacts from a safety and environmental perspective, maximizing green space, and ensuring efficiency.

As noted, an existing private individual well and septic system are located on Lot 1. The remaining proposed lots (Lot 2 and the retained) will rely on private well and septic systems for water and wastewater servicing. The proposed lot configurations are sufficiently sized and designed to accommodate safe installation of private septic and well. At the time of construction of the dwelling units, a permit will be required for the installation of the private septic systems on the both the severed and retained lots. Similarly, the proposed lots are large enough to accommodate stormwater runoff from future dwellings, subject to the submission of a lot grading and drainage plan at the building permit phase. Additionally, the subject lands consist of forest vegetation which includes numerous shrubs and mature trees, which will contribute to stormwater infiltration within the soil.

With respect to water servicing, EcoVue reviewed historic well records (**Appendix C**) of the surrounding area to ensure adequate water supply. These records indicate that the wells closest to the proposed retained lot have an average depth of 48.6 metres and produce an average yield of 5.2 gallons per minute (gpm), which far exceeds the recommended amount of yield for 3 bedroom home (4 gpm) based on the D-5-5 Guideline (Private Wells: Water Supply Assessment). As such, we are of the opinion that the proposed private well can provide sufficient water for the proposed residence and can be placed on the retained lot at the time of the building permit.

Therefore, it is our opinion that the proposed severance is consistent with Section 1.6.6 of the PPS.

2.2.4 Natural Heritage

Section 2.1 of the PPS states that “[n]atural features and areas shall be protected for the long term” and that development and site alteration:

- a) shall not be permitted in provincially significant wetlands;
- b) shall only be permitted in fish habitat and endangered species habitat in accordance with applicable provincial and federal legislation; and
- c) shall only be permitted in significant woodlands or on adjacent lands to natural heritage features subject to demonstrating no negative impact.

A Natural Heritage Evaluation (NHE) was undertaken by Oakridge Environmental in support of the proposed development. The NHE identified the following natural features on and adjacent to the subject lands:

1. Non-significant wetlands, Provincially Significant Wetlands (PSW) and unevaluated wetlands;
2. Permanent watercourse;
3. Woodlands;
4. Fish Habitat;
5. Habitat of Endangered and Threatened Species (Little Brown Myotis (confirmed), Blanding’s Turtle (potential), Snapping Turtle (potential), and Musk Turtle) (potential); and
6. Potential Significant Wildlife Habitat (refer Section 8.0 of the NHE report).

A description of these features and associated proposed mitigation is provided below:

2.2.4.1 Wetlands and Permanent Watercourse

The NHE confirmed the presence of a PSW, non-significant wetlands, unevaluated wetlands, and one permanent watercourse on the subject lands. No direct impacts to these features are anticipated. However, the NHE provides recommendations to reduce indirect impacts.

It was determined that a 30-metre vegetative protection zone (VPZ) is required to protect the integrity of the wetlands, and the watercourse. The NHE also recommends that the existing vegetation within the VPZ be maintained and that no development be permitted within the VPZ. It is also recommended that the mitigation measures be implemented via a development agreement. The report further recommends that the permitted uses within the VPZ shall only be plant trimming completed by an Ontario Land Surveyor in order to survey the property, and passive recreational uses (e.g., trails), as permitted within the Growth Plan.

Other recommendations include sediment fencing during construction and measures to increase infiltration of stormwater run-off. Detailed measures can be found in Section 11 of the NHE report.

2.2.4.2 Fish Habitat, Potential Habitat of Endangered and Threatened Species and Potential Significant Habitat

The NHE identifies Big Bald Lake, which located to the east of the subject lands, to contain a diverse range of fish species. The report recommends a 30 metre VPZ from the highwater mark of the lake. Additionally, it recommends no in-water works without appropriate permissions.

During the site investigation, the staff detected Little Brown Myotis (Endangered Species) on the subject property. The recommended measures to mitigate impact on bat habitat include installing bat snags and communal bat houses and providing the Municipality with proof of installation. The report also recommends including this mitigation measure in the developmental agreement.

Although no other Endangered and Threatened species were detected during site investigation, it was identified that the features present on and adjacent to the property provide suitable habitat for Blanding's Turtle, Eastern Milksnake, Western Chorus Frog, Midland Painted Turtle and Snapping Turtle. Although direct impacts are not anticipated, the NHE provides recommendations to reduce indirect impacts to potential species habitat.

The report recommends: maintaining the VPZ with naturally maintained vegetation; avoiding clearing of vegetation during bird breeding season (April 1- August 31); sediment fencing around construction to exclude wildlife; alerting construction workers of turtle nesting season; and contacting the Natural Heritage Information Centre if species of snakes and turtles are encountered on the site. As noted, detailed recommendations can be found within Section 11 of the NHE report.

It is recommended that these mitigation measures be implemented via a development agreement, to be entered into between the landowner and Municipality as a condition of consent.

Given the above, it is our opinion that the subject proposal appropriately addresses the natural features on the site. Therefore, the proposed development is consistent with Section 2.1 of the PPS.

2.2.5 Wise Use and Management of Resources

Section 2.0 also addresses the use and protection of other resources of provincial interest, including water sources, agriculture, minerals and petroleum, and cultural and archaeological resources. It is our understanding that the subject proposal will not impact these resources for the following reasons:

- the property is not in a source water protection area;
- no agricultural uses are in present in the surrounding lands (within 500 metres) indicating that the proposal will not impact agricultural lands;
- Official Plan schedules and provincial mapping indicates that there are no mineral or petroleum resources on, or in proximity to the subject lands;
- due to proximity to Big Bald Lake and presence of wetlands and watercourse on the subject lands, it was identified that the subject lands could potentially contain archeological resources. However, based on the Stage 1 & 2 Archaeological Assessments conducted by Earthworks Archaeological Services, it was determined that the subject lands do not contain materials of archaeological significance.

Given the above, it is our opinion that the proposed severances is consistent with Section 2.0 of the PPS.

2.2.6 Protecting Public Health and Safety

Section 3.0 addresses natural and man-made hazards, including flooding, erosion, unstable soils, forest fire, and contamination hazards. It is our understanding that the proposed development is not impacted by these hazards for the following reasons:

- The proposed lots contain adequate building envelopes beyond the wetlands (and associated unstable soils) on the property, as delineated in the NHE and shown on the Consent Sketch.

- Publicly available elevation data do not indicate any steep slopes (i.e., slopes greater than a 3:1 ration) on the subject lands.
- The building envelopes are located at least 1 metre above watercourses on the site, as indicated in the publicly available elevation data procured from <https://en-ca.topographic-map.com>. Furthermore, the watercourses on the site connect to Big Bald Lake, which is at a lower elevation than the areas where the proposed building envelopes are located. As such, it is our understanding that during a potential flooding event, the excess water would flow into the Lake rather than flooding the subject lands. Based on the foregoing, it is our understanding that the proposed development is outside of flood hazards.
- The subject lands are currently vacant and do not have a history of prior commercial or industrial uses or activities involving contaminants. As such, it is our opinion that there is no contamination on site.

Given the above, it is our opinion that the subject proposal will not result in impacts to resources identified in Section 3.0 of the PPS and is consistent with the associated policies.

2.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The County of Peterborough is located within the Greater Golden Horseshoe and therefore, is subject to the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). The Growth Plan is administered under the *Places to Grow Act, 2005* and is designed to inform “*decision-making regarding growth management and environmental protection in the GGH [Greater Golden Horseshoe]*”. This section addressed applicable policies within the Growth Plan.

It should be noted that policies related to cultural heritage and mineral aggregates are not addressed in this Section, as the policy analysis in Section 2.2 of this report adequately demonstrates that these resources are unaffected by this application. Furthermore, as with the PPS, the Growth Plan does not contemplate technical severances such as the proposed lot line adjustment or easement/ROW. As such, these policies and the lot line adjustment application are not addressed in this section.

2.3.1 Policies for Where and How to Grow

According to Section 2.2.9.3(c) (Rural Areas), “[s]ubject to the policies in Section 4 [Protecting What’s Valuable], development outside of settlement areas may be permitted on rural lands for... other rural land uses that are not appropriate in settlement areas provided they:

- i. Are compatible with the rural landscape and surrounding local land uses;
- ii. Will be sustained by rural service levels; and
- iii. Will not adversely affect the protection of agricultural land uses and other resource-based uses such as mineral aggregate operations.”

Rural residential development, as proposed, generally is permitted in the PPS (as addressed in Section 2.2.2 of this report). The proposed lots will be of a similar size as the surrounding lots, will be compatible with surrounding land uses and severed lot and can be serviced by on-site water and septic systems. No agricultural uses or mineral aggregate operations are present in the surrounding area (<500 metres) and as such, the proposed development will not impact agricultural uses or mineral aggregate operations.

Therefore, the proposed severances conform to Section 2.2.9.3 of the Growth Plan.

2.3.2 Key Hydrologic Features, Key Hydrologic Areas and Key Natural Heritage Features

Section 4.2.3 of the Growth Plan contains policies applicable to key hydrologic features and areas located outside of settlement areas, as well as key natural heritage features within adopted natural heritage systems. As of the writing of this report, there is no Natural Heritage System in effect within the County of Peterborough. However, Section 4.2.3 applies to key hydrologic features within areas outside of any established Natural Heritage System.

As noted, the property consists of a PSW, non-significant wetlands, and watercourses. These features are considered key hydrologic features under the Growth Plan. Section 4.2.3.1 of the Growth states that, “[o]utside of settlement areas, development or site alteration is not permitted... in key hydrologic features...” with some exceptions made for a variety of conservation, resource management, passive recreation (small structures and trails), agricultural uses, and expansions of existing uses (subject to certain conditions).

As shown in the NHE and Consent Sketch (**Figure 2**), the proposed lots consist of building envelopes that are located outside of the hydrologic features present on the subject property and have sufficient area to accommodate the proposed dwellings and associated septic systems. Furthermore, the only uses proposed in these features would consist of passive recreation (e.g., trails) which are permitted in the Growth Plan. As such, the proposal conforms to Section 4.2.3.1 of the Growth Plan.

Section 4.2.4.1 of the Growth Plan further states that

...a proposal for new development or site alteration within 120 metres of... a key hydrologic feature will require a... hydrologic evaluation that identifies a vegetation protection zone, which: a) is of sufficient width to protect the... key hydrologic feature and its functions from the impacts of the proposed change; b) is established to achieve and be maintained as natural self-sustaining vegetation; and c) for key hydrologic features [...] is no less than 30 metres measured from the outside boundary of the... key hydrologic feature.

Furthermore, Section 4.2.4.2 states that *“Evaluations undertaken in accordance with policy 4.2.4.1 will identify any additional restrictions to be applied before, during, and after development to protect the hydrologic functions and ecological functions of the feature.”*

The NHE submitted with this application was prepared to meet the requirements of the required hydrologic evaluation and provides a series of recommendations (Section 11 of the NHE) to address potential impacts, identify a vegetative protection zone (VPZ), and recommend mitigation measures to protect the features. As such, the subject application conforms to Section 4.2.4.1 and 4.2.4.2 of the Growth Plan.

Finally, Section 4.2.4.3 of the Growth Plan states *“Development or site alteration is not permitted in the vegetation protection zone, with the exception of that described in policy 4.2.3.1...”*. The proposed building envelopes are located outside of the recommended VPZ of 30 metres and the only development or site alteration proposed within the recommended VPZ at this time is passive recreation which is permitted under this policy.

It should be noted that the proposed lot lines transect the wetlands, a watercourse and the associated VPZs. However, the PPS (and Growth Plan) defines “development” as: *“the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning*

Act'. It is our opinion that this definition is intended to reflect development that would result in physical alterations to those features and their buffers, and does not include the establishment of lot lines, which have no effect on the physical landscape. Although the definition of development includes "creation of a new lot", it is our opinion that the intent of the Growth Plan is to prevent development *resulting* from the creation of the lot (i.e. the uses that would take place within that lot) within the features and associated VPZs. The implementation of other planning instruments related to land use (i.e. zoning and development agreements) provide appropriate protection of those features.

Additionally, the proposal will result in enhanced protections for the natural features on the subject lands, as portions of these features (including their associated VPZ) that were previously zoned Rural (RU) will be rezoned to the Environmental Protection (EP) Zone, based on the results of the NHE. This ensures the applications meet the intent and purpose of the Growth Plan (i.e., to protect natural features from negative impacts).

Given the above, the proposed development conforms to Section 4.2.3 and 4.2.4 of the Growth Plan.

2.4 Municipal Planning Documents

In addition to demonstrating consistency with provincial planning policies, it is necessary that the proposal conform to the policies and provisions of upper- and lower-tier municipal planning documents. As such, the policies of the County of Peterborough Official Plan (CPOP), the Municipality of Trent Lakes Official Plan and the Municipality of Trent Lakes Zoning By-law.

2.4.1 County of Peterborough Official Plan (CPOP)

The upper-tier sections of the County of Peterborough Official Plan (CPOP) do not contain land use designations. Instead, Section 4 of the CPOP identifies "Rural and Cultural Landscape", "Shoreland Areas and the Waterfront" and "Settlement Areas". The subject property is not located within a Settlement Area and as such, is considered part of the "Rural and Cultural Landscape" and "Shoreland Areas and the Waterfront". Lot 1(severed) and a majority of Lot 3 (retained) is located 150 metres of the shoreline and would be considered part of the Shoreland Areas and the Waterfront. However, Section 4.4 notes that "all lands that are less than 150 metres from the shore but do not physically or functionally relate to the Shoreland Areas are not considered to be part of the Shoreland Areas. Therefore, it is our opinion that Lot 2 and the retained lot should be considered part of the Rural and Cultural Landscape, while Lot

1, which fronts onto Big Bald Lake, should be considered part of the Shoreland Areas and the Waterfront. Relevant policies applicable to both designations are discussed below.

It should be noted that Section 2.6.3.1 states that *“Applications for technical severances including easements, severances for lot additions/adjustments, ... and rights-of-way are not necessarily subject to the following policies and shall be evaluated based on site specific considerations established in local official plans”*.

2.4.1.1 Rural Area Policies – Land Division

Section 2.6.3.5 provides policies related to severances in Rural Areas, which are considered based on the following criteria:

1. *The availability of septic or other servicing (evaluated by Health Unit or Ministry);*

The proposed lots (Lot 2 and the retained lot (Lot 3)) will be serviced via individual septic systems and have sufficient area within their associated building envelopes to safely accommodate the septic system.

2. *The availability of solid waste disposal.*

Although the subject lands do not have municipal garbage pickup services, Buckhorn Transfer Station is located approximately 6 kilometres from the subject lands and currently accepts residential waste disposal.

3. *Lots shall have direct frontage on and access from publicly owned and maintained roads*

The proposed lots (Lot 2 and Lot 3) will have direct frontage on County Road 36.

4. *The impact of the proposed severance on traffic or road safety*

The proposed severances will generate negligible traffic impacts and the proposed entrance for Lot 2 will meet the minimum spacing requirement of the County of Peterborough's Entrance By-Law #2012-26 which requires spacing of 150 metres between adjacent entrances.

6. *Compliance with Sections 2.6.3.1, 2.6.3.5, 4.1.3 and 4.3*

Section 2.6.3.1 stipulates the conditions that trigger an application for plan of subdivision as opposed to an application for consent to sever. These policies confirm that a consent application is appropriate in this instance, as only two (2) new lots are proposed, and a new public road or municipal service extensions are not required.

Additionally, this section provides conditions for permitting severances for building purposes. Of relevance to this application are the policies addressing the division of land within significant wetlands or the habitat of endangered or threatened species:

Severances for building purposes will not be permitted where: 1) the division of land is located in significant wetland or significant portions of the habitat of endangered or threatened species, and an appropriate building site cannot be provided based on comments from the Ministry of Natural Resources and/or Conservation Authority; [and] 2) in accordance with the policies of Section 4.1.3.1, an Environmental Impact Assessment will be also required for lands that are adjacent to natural heritage features unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

These policies are similar to the PPS and Growth Plan, which have been discussed in Sections 2.2.6 and 2.3.2 of this Report. As such, it is our opinion that the proposed severances will not impact the natural features and functions present on the property.

The general policies of Section 2.6.3.1 speak to severances near pits and quarries, transportation corridors and vulnerable areas. The subject property is not adjacent to any pits or quarries, does not affect any transportation objectives, and has not been identified as located within a vulnerable area.

- **Section 2.6.3.5** – Rural Areas Policies for the Division of Land: Relevant policies discussed earlier in this Section.
- **Section 4.1.3** - Natural Environment General Policies: A Natural Heritage Evaluation was completed which meets the policy of section 4.1.3.1.

- **Section 4.3 – Rural and Cultural Landscape:** The overall goal of the Rural and Cultural Landscape policies is “*to preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry*”. As noted, the rural character of the area will not be impacted by the proposed severance as the proposed lots are similar in size to the lots in the vicinity of the subject property.

2.4.1.2 Shoreland Areas and Waterfront Policies

As discussed, the policies of the Shoreland Areas and the Waterfront are applicable to Lot 1. The CPOP does not contain land division policies specific to the Shoreland Areas and defers to the local Official Plan for such policies. However, the general policies of the Shoreland Areas and the Waterfront designation (Section 4.4.3) provided some general guidance for new development within shoreline lands.

The policies of Section 4.4.3 are intended to permit development on non-sensitive lakes while retaining the 30 metre shoreline buffer and maintaining shoreline character. Development must also protect source water, ensure sufficient space to accommodate septic system, and ensure no impact on natural heritage features.

As discussed in the above sections of this report, the proposed development is in keeping with the policies of the Shoreland Areas and the Waterfront policies the CPOP. There will be no new development within 30 metres of the shoreline and the proposed Lot 1 contains an existing dwelling and septic system. The NHE provides recommendations for enhancing the shoreline to further protect Big Bald Lake.

2.4.2 Municipality of Trent Lakes Official Plan

According to Schedule A2 to the Trent Lakes Official Plan (TLOP), the subject property is designated Rural, Recreational Dwelling Area and Environmental Protection (**Figure 3 – Schedule A2**). Lot 2 (severed) is designated Rural and Environmental Protection and Lot 3 (retained) is designated Rural.

According to Section 8.10.2 of the TLOP, it is our understanding that “*the boundaries between land use designations on Schedules to this Plan are approximate except where they coincide with major roads, railway lines, rivers, transmission lines or other clearly defined physical features. Where the general intent of the plan is maintained, minor adjustments to boundaries will not require an amendment to this Plan.*”

The existing mapping shows that the proposed Lot 1 straddles the Recreational Dwelling Area and Rural designations. However, in keeping with the mapping interpretation policies provided in the TLOP, it is our opinion that the Recreational Dwelling Area on the subject lands should include the entirety of Lot 1, which is consistent with an extension of the existing shoreline residential development adjacent to the subject lands. Therefore, our review of the applicable policies of the TLOP will be based on this interpretation.

2.4.2.1 Rural Policies

Section 5.2.2 of the TLOP speaks to residential development in the Rural designation. Specifically, it states *“consents for residential purposes in the Rural area shall be discouraged and development shall be encouraged by plan of subdivision. However residential severances may be granted in accordance with the policies of Section 6.0 of this Plan.”* Section 6.0 is discussed below.

2.4.2.2 Recreational Dwelling Area Policies

Section 5.4.1 of the TLOP speaks to residential development in the Recreational Dwelling Area designation. Permitted uses within the Recreational Dwelling Area designation include single unit permanent dwellings and single unit recreational dwellings. Lot 1 contains an existing single dwelling unit, which is permitted within this designation.

Section 5.4.2 states that *“...[d]evelopment proposals which locate residential uses well back from the shoreline and retain the natural waterfront character and tree cover, shall be encouraged”*.

The dwelling unit is located beyond the 30-metre setback from the lake. The NHE further recommends measures to enhance the shoreline, while still permitting the recreational structures and uses permitted in the Growth Plan. As such, the proposal will result in the enhancement of the existing natural waterfront character and tree cover.

Section 5.4.3 states that *“[a]ll recreational dwelling lots shall be serviced by an adequate supply of potable water and an effective method of waste disposal...”*.

As discussed in Section 2.2.3 of this report, Lot 1 is serviced by a private well and a private septic system.

Section 5.1.10.11 states that:

...all new development on a lot shall be set back a minimum of 30 metres from the established high-water mark of water bodies and watercourses.

[s]horeline development inclusive of sewage system leaching beds shall be set back from the high water mark of water bodies and watercourses to encourage minimal adverse impacts on both the shoreline and water body/watercourse.

...zoning changes to accommodate proposed expansions of a structurally permanent nature to existing structures and/or septic systems that further reduce any applicable minimum water setback shall not be permitted unless it is a matter of public health and/or safety.

As stated throughout this report, the proposed dwelling and septic on Lot 1 is located outside the 30-metre setback from the shoreline of Big Bald Lake and shoreline enhancements will be implemented via the consent and development agreement process. As such, no negative impacts to the lake are anticipated. Furthermore, the existing native vegetation located between the structure and the shoreline will be preserved.

2.4.2.3 Environmental Protection Policies

Section 5.9 of the TLOP speaks to the Environmental Protection designation. Permitted uses in the Environmental Protection designation “*are primarily intended for preservation and conservation of the natural land and/or environment and should be managed in such a fashion as to complement adjacent land uses...*”. The Environmental Protection designation applies only to a portion of Lot 2 (severed). The portions under Environmental Protection will remain in their current state as no further development, beyond the two (2) severances, is proposed.

2.4.2.4 Division of Land

Section 6.2 of the TLOP speaks to general policies related to severances. The following subsections of Section 6.2 apply to the proposed severances:

- Section 6.2.1.1 states that in the Rural and Recreational Dwelling designations, “*the maximum number of lots that may be created by consent per land holding shall be two (2) severed lots and one (1) retained lot*”.

As discussed throughout this report and shown in **Figure 2**, there will be two (2) severed lots and one (1) retained lot.

- Section 6.2.1.2: *“regard shall be had for ensuring satisfactory compatibility between the proposed land use and the existing land uses.”*

There are residential uses (both shoreline and rural dwellings) adjacent to the subject lands and the remainder of the surrounding land is covered by vegetation and wetlands. As per the requirements of the NHE, the lots will largely remain in a natural state and will blend with the surrounding area.

- Section 6.2.1.3: *“the size of any new lot created by consent should be appropriate for the use proposed and services available.”*

The proposed lot configuration is such that the lots have sufficient area to accommodate individual private services on all proposed vacant lots.

- Section 6.2.1.4.1 states *“severances that create new lots shall only be considered when both the newly created lot and the retained lot front on an assumed road that is currently maintained on a year-round basis by a public authority.”* However, Section 6.2.1.4.2 further states that *a consent for a new lot in the Recreational Dwelling Area designation may be granted where access is to be provided by either a deeded private road or water only, provided that:*
 - a) *Where the lot to be created by consent to sever represents infilling within existing development or a minor extension of an existing developed area, and where additional development will not create a demand for additional public services;*
 - b) *Where the lot created by consent to sever will have private road access and where the lot fronts on either an existing private road or where the development involves a limited extension of an existing private road; or*
 - c) *Where the lot created by consent will be accessed by water only, the Municipality is satisfied that adequate mainland parking and boat docking/launching facilities can be provided.*

Lot 2 and Lot 3 (retained) have direct access to/frontage on Country Road 36, which is a municipally maintained road. Lot 1, which is already privately serviced, can be accessed with a minor (30 metre) extension of Fire Route 81. Additionally, Lot 1 will be serviced privately and will not demand additional public services.

Furthermore, the existing house can be accessed via the existing driveway which connects to Fire Route 81 or via water access. There are marinas and docking facilities such as Oak Shores Marina and Catalina Bay Resort within 10-kilometer radius of the property which provide adequate parking and docking options.

A Consent for easement/ROW has been concurrently submitted to ensure access via the existing road and driveway is maintained. As such, it is our opinion that Lot 1 conforms to Section 6.2.1.4.2 of the TLOP.

- Section 6.2.1.7 states *“residential severances shall be encouraged as infilling in or adjacent to those areas designated Hamlet or clusters of houses in the Rural Area, in an effort to promote orderly and controlled development throughout the municipality.”*

Although not reflective of infilling or cluster development, the proposed severances will represent orderly development within the Rural Area. The lots will be located in close proximity to clusters of existing shoreline and rural residential development and can be safely accessed from Fire Route 81 and County Road 36.

- 6.2.1.8 states *Severances shall not be considered for lands where access may create a traffic hazard because of limited sight lines on curves or grades.”* Furthermore, 6.2.1.9 states *“Access to new lots will be reviewed by the Land Division Committee as appropriate. Where proposed severances are considered which would create new lots abutting or adjacent to a County Road the Peterborough County Public Works will be consulted to ensure that the requirements of their entrance by-law is met.”*

Lot 1 and 3 (retained) will use existing entrances off County Road 36. Access to Lot 2 from County Road 36 was reviewed for sight lines compliance with the County’s entrance by-law by the County of Peterborough Public Works during pre-consultation. The Public Works review resulted in the identification

of the proposed driveway location for Lot 2. As such, it is our opinion the proposal is consistent with Section 6.2.1.8 and 6.2.1.9 of the TLOP.

- 6.2.1.11 states *“Easements Consents for easements shall generally be preferred to consents for new lots where linear rights-of-way are being created...”*.

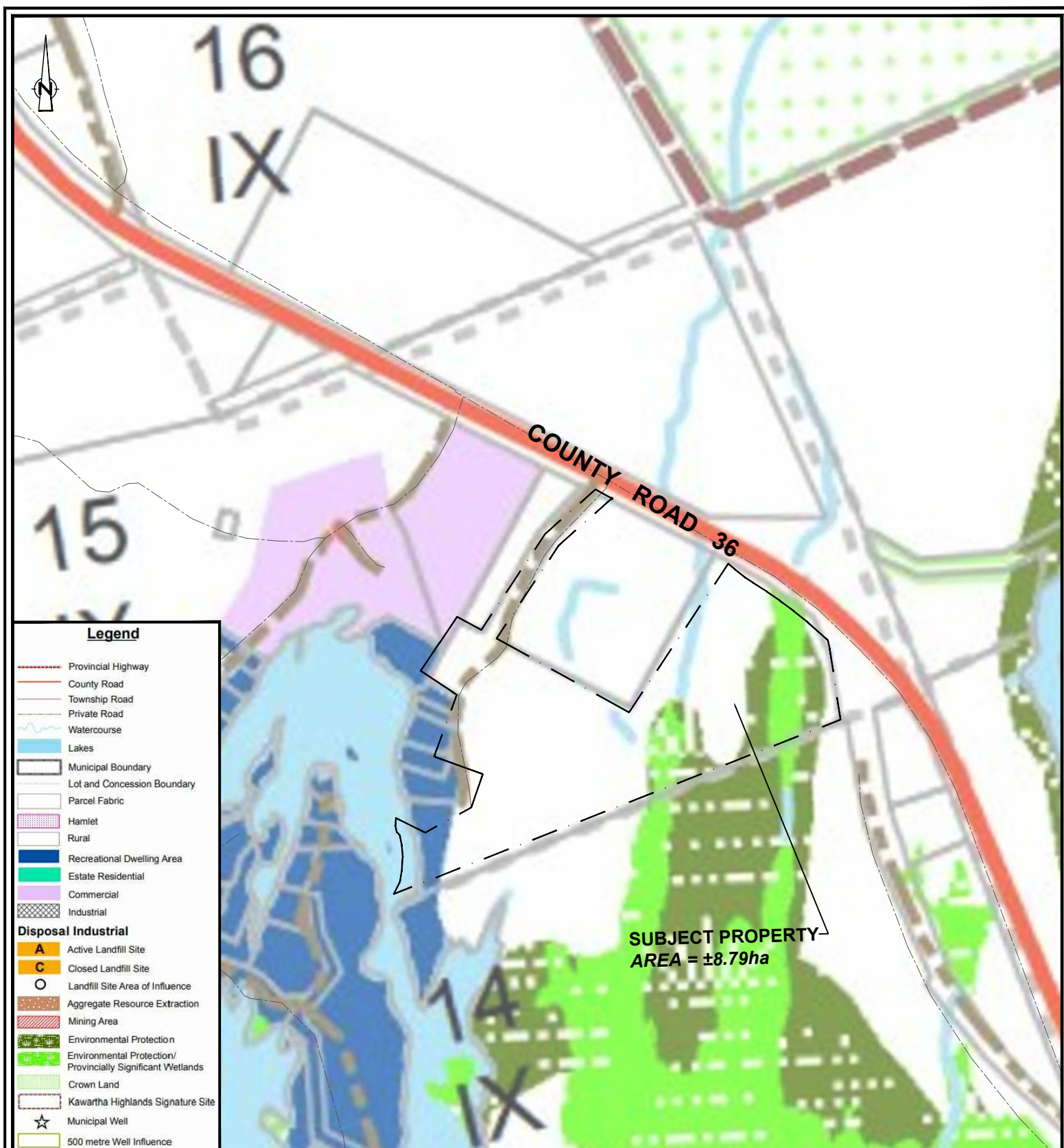
As previously noted, a Consent for Easement/ROW has been submitted to maintain access to Lot 1.

- 6.2.1.13 states *“Lot Lines Severances which have the effect of changing lot lines and/or do not create additional or buildable lots may be evaluated on their own merits. The granting of such consent will not result in any reduction of the eligible number of severances for the property”*

As demonstrated herein, the proposed lot line adjustment application will not create an additional buildable lot and no change to the existing shoreline residential use on the benefitting lot is proposed. The merger will not result in any issues related to zoning compliance, and the lot size after the lot addition will be consistent with neighbouring shoreline lots.

It should be noted that after the lot addition, the benefitting lot will consist of a portion of the VPZ associated with the wetlands located to the east. However, as discussed in Section 2.5 of this report, these portions will be rezoned to Environmental Protection (EP) Zone to provide added protection and prevent the fragmentation of the wetland and its VPZ.

Therefore, it is our opinion the proposed residential severances conform to the policies of the TLOP.



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PROJECT NO: 21-2195

DATE: January 13, 2023

HORIZ. SCALE: 1: 6,000

**FIGURE 3 - THE TOWNSHIP OF
GALWAY-CAVENDISH & HARVEY
OFFICIAL PLAN**

Schedule A1 - Landuse
BIG BALD LAKE SEVERANCE
DAN BARNES

0 FIRE ROUTE 81
PART OF LOT 15, CONCESSION 09
GEOG. TWP. OF HARVEY
NOW IN THE MUNICIPALITY OF TRENT LAKES
COUNTY OF PETERBOROUGH

2.5 Municipality of Trent Lakes Zoning By-law B2014-070

The subject lands are currently zoned Rural (RU-45) Exception 45 and Environmental Protection (EP) according to 'Map 6' of the Municipality of Trent Lakes Zoning By-law No. B2014-070 (TLZBL). (**Figure 4 -Trent Lakes Zoning By-law**). The EP Zone applies to the wetlands within Lot 2. No development is proposed on the portions of the lot that are zoned the EP Zone.

As Lot 1 (severed) is designated Recreational Dwelling Area in the TLOP and will be used for shoreline residential purposes with private access, it is our opinion that it is appropriate to rezone the proposed lot to Shoreline Residential - Private Access (SR-PA) Zone. Furthermore, due to the proposed lot line adjustment, it is proposed that the northern portion of the subject property being severed and merged with the neighbouring property should also be rezoned to SR-PA Zone to be consistent with zoning on the benefitting lot. Lot 1 will comply with all the lot regulations and provisions of the SR-PA Zones. Furthermore, the merging of the severed portion to the benefitting lot will not create any zoning compliance issues. The benefitting lot is an existing undersized lot and, as such, is permitted to be used in accordance with Section 4.10 of the TLZBL ("Existing Undersized Lots"). After the merger, the lot size of the benefitting lot will increase to 0.23 hectares.

Table 1 below shows Lot 1 and the enlarged lot in comparison to the provisions of the SR-PA zone as outlined in Section 9.2 of the Zoning By-Law, for reference. As such, no further reference to these lots is included in this section.

Table 1 – SR-PA Zone Provisions

Lot Requirements	Required	Lot 1 (severed)	Enlarged Lot (Benefitting lot after merger)
Minimum Lot Area	0.3 hectares	0.59 hectares	0.23 hectares
Minimum Lot Frontage	45 metres	87.47 metres	50.97 metres
Minimum Shoreline Frontage	45 metres	87.47 metres	Will remain unchanged
Minimum Front Yard	12 metres	38.9 metres	Will remain unchanged
Minimum Exterior Side Yard	6.0 metres	N/A	Will remain unchanged
Minimum Interior Side Yard	4.5 metres	48.9 metres	Will remain unchanged
Minimum Rear Yard	4.5 metres	42 metres	Will remain unchanged
Minimum Water Yard	30 metres	38.9 metres	Will remain unchanged
Maximum Lot Coverage	20%	<20%	Will remain unchanged

Maximum Building Height		11 metres	<10 metres	<10 metres
Minimum Dwelling Unit Area	One Storey	83.5 sq. metres	Can be accommodated	<83.5 sq. metres
	One and Half / Two Storey	116 sq. metres	Can be accommodated	N/A
Maximum Number of Single Detached or Seasonal Dwellings per lot		1	1	1
Maximum Number of Dwelling Units per lot		1	1	1

With respect to Lots 2 and 3, Section 6.2 of the TLZBL outlines the provisions applicable to the Rural Residential (RR) Zone. **Table 2** below depicts the compliance of proposed structures with the RR Zone provisions. Provisions which do not meet the requirements are highlighted in **bold**:

Table 2 – RR Zone Provisions

Lot Requirements		Required	Proposed Lot 2 (severed)	Proposed Lot 3 (retained)
Minimum Lot Area		0.3 hectares	4.24 hectares	3.84 hectares
Minimum Lot Frontage		45 metres	237.19 metres	21.43 metres
Minimum Front Yard		12 metres	Can be accommodated	Can be accommodated
Minimum Exterior Side Yard		6.0 metres	N/A	N/A
Minimum Interior Side Yard		4.5 metres	Can be accommodated	Can be accommodated
Minimum Rear Yard		4.5 metres	Can be accommodated	Can be accommodated
Minimum Water Yard		30 metres	N/A	N/A
Maximum Lot Coverage		20%	<20%	<20%
Maximum Building Height		11 metres	<10 metres	<10 metres
Minimum Dwelling Unit Area	One Storey	83.5 sq. metres	Can be accommodated	Can be accommodated
	One and Half / Two Storey	116 sq. metres	Can be accommodated	Can be accommodated
Maximum Number of Dwellings		1	1	1

Although single detached dwellings for residential uses are permitted within the RR Zone, the Retained Lot (Lot 3) does not comply with the minimum lot frontage requirement of the RR Zone. As such, an amendment to the TLZBL is required in order to recognize the lot frontage deficiency of Lot 3. It is

proposed that the lands be rezoned to a site-specific Special Rural Residential (RR-XX) Zone to recognize this deficiency. Rationale for this deficiency is provided in the below sub-section.

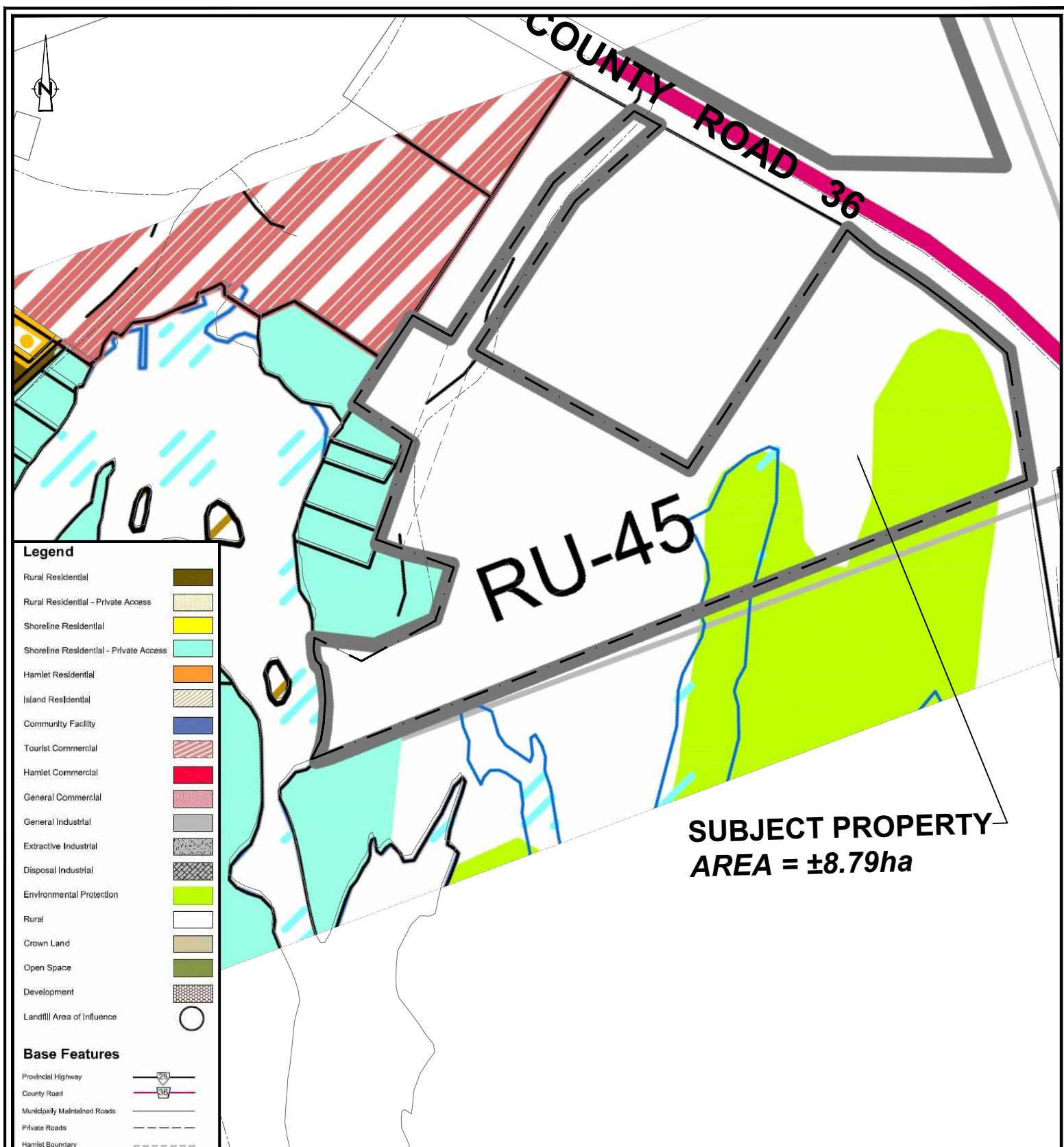
Additionally, in order to provide additional protection to the wetlands and their associated VPZs, the portions of the property which consist of these features, as identified by Oakridge Environmental, will be rezoned from the RU-45 Zone to the EP Zone.

2.5.2 Lot Frontage

The proposed Retained Lot (Lot 3) does not meet the frontage provisions (45 metres). It is our opinion that frontage requirements are intended to ensure that proposed lots have sufficient space to accommodate the proposed building and their accessory structures while respecting neighbouring boundaries in addition to providing safe access. Additionally, lot frontage provisions intend to retain the neighbourhood character and provide safe ingress and egress of traffic.

It should be noted that Lot 3 fronts onto County Road 36 and will not change the existing access to the property via Fire Route 81, which is a private road that provides safe access to the shoreline lots located along the shoreline of Big Bald Lake as well as the retained lot. It should be noted that this access road is the equivalent of a driveway for Lot 3, as it does not need to cross any neighbouring properties to provide adequate access. As such, it is our opinion that this lot has appropriate access already, and that this access will remain unchanged with this proposal. Furthermore, as the small frontage width is already isolated from the area to be severed, it is our opinion that the proposal will not impact the existing conditions or adjacent uses and will not result in impacts to the neighbourhood character.

Given the above, it is our opinion that the proposed amendment maintains the intent of the TLZBL and is appropriate for the subject lands.



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PROJECT NO: 21-2195

DATE: January 13, 2023

HORIZ. SCALE: 1: 4,000

FIGURE 4 - Municipality of Trent Lakes
Geographic Township of Harvey
Schedule A to By-Law No. B2014-070
 Map 5

BIG BALD LAKE SEVERANCE
DAN BARNES

0 FIRE ROUTE 81
 PART OF LOT 15, CONCESSION 09
 GEOG. TWP. OF HARVEY
 NOW IN THE MUNICIPALITY OF TRENT LAKES
 COUNTY OF PETERBOROUGH

3.0 SUMMARY

This planning report describes the proposed Official Plan Amendment and Consent to Sever and provides an analysis of conformity with the 2020 Provincial Policy Statement, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the County of Peterborough Official Plan, the Municipality of Trent Lakes Official Plan, and the Municipality of Trent Lakes Zoning By-law. It is the opinion of the undersigned that:

- The proposed severances are consistent with the policies of the 2020 Provincial Policy Statement and conforms to the policies of the 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, subject to proposed conditions of consent requiring a development agreement that enforces the mitigation measures identified in the Natural Heritage Evaluation submitted with this application;
- The proposed Consents and Zoning By-law Amendment conform to the County of Peterborough Official Plan (CPOP) and the Municipality of Trent Lakes Official Plan (TLOP).
- An amendment to the Municipality of Trent Lakes Zoning By-law (TLZBL) will be required to recognize the zoning deficiency of the proposed retained lot and the shoreline use contemplated within the Official Plan for the proposed new and enlarged shoreline properties. Additionally, the amendment will also provide additional protection to the identified wetlands and their associated VPZs. This Planning Report sets out the details of the proposed Zoning By-law Amendment and concludes that it meets the intent and purpose of the TLZBL.
- The proposed Consents and Zoning By-law Amendment represent good planning and are in the public interest.

This Report therefore concludes that the proposed development is consistent with and/or meets the intent of both provincial and municipal planning policies and constitutes good planning.



Consent to Sever
Big Bald Lake
Municipality of Trent Lakes
February 16, 2023

Respectfully Submitted,

ECOVUE CONSULTING SERVICES INC.

A handwritten signature in blue ink, reading "J. Kent Randall", written over a horizontal line.

J. Kent Randall B.E.S. MCIP RPP
Principal Planner

A handwritten signature in blue ink, reading "B. Saunders", written over a horizontal line.

B. Saunders, B.Sc., M.Sc.
Planning Supervisor



Appendix A

Preliminary Severance Review

Peterborough County Land Division



Preliminary Severance Review

Prepared by the Peterborough County
Planning Department



Date: April 30, 2021

Name: Art Davidson
2419013 Ontario Inc.

Agent: Dan Barns

Email: O: art.davidson@sympatico.ca;
A: dan@ruralwave.ca

Phone: O: 226-932-7034;
A: 705-432-8468 x 201

Municipality: Trent Lakes, Harvey Ward

Lot: Part Lot 15 **Concession:** 9

Roll No.: 1542-01030221401

Municipal Address: N/A

Type of Severance: residential lot(s) and right-of-way or easement

	Severed	Retained
County Official Plan	Shoreland Area	Rural
Municipal Official Plan	Lot 1: Recreational Dwelling Area & Rural Lot 2: Rural	Rural, Environmental Protection, Provincially Significant Wetland
Municipal Zoning	Lot 1: Rural Exception 45 (RU-45) Lot 2: Rural Exception 45 (RU-45)	Rural Exception 45 (RU-45) & Environmental Protection (EP)
Area and Frontage	Lot 1: ±0.57 hectares, ±173.69 metres frontage (Big Bald Lake) Lot 2: ± 1.78 hectares, ±21.35 metres frontage on County Road 36	± 6.41 hectares, ± 288.01 metres frontage on County Road 36
Existing Use/Buildings	Vacant	Vacant

Conforms to Provincial policies?

☐ Yes ☒ No

Severances are not permitted in key hydrologic features, including wetlands and watercourses, or within the 30-metre vegetative protection zone (VPZ) surrounding the feature (Growth Plan S 4.2.3.1; S. 4.2.4.3).

Conforms to County Official Plan policies?

☐ Yes ☒ No

Severances cannot be recommended for approval where the proposed severances are contrary to the local Official Plan (S 2.6.3.1).

Conforms to Township Official Plan policies?

☐ Yes ☒ No

Development must demonstrate no impact on the habitat of endangered and threatened species (S 5.1.10.12) and provincially significant wetlands (S 5.9.8.1). Road frontage/access and zoning issues.

Conforms to Township Zoning By-Law?

Severed parcel meets Zoning requirements:

☐ Yes ☒ No

Retained parcel meets Zoning requirements:

☐ Yes ☒ No

Rezoning appears to be required.

Studies required to support the application?

☒ Yes ☐ No

- Environmental Impact Study / Natural Heritage Evaluation
- Species at Risk Assessment
- Archaeological Assessment

Provincial Policy Review:

The following key natural heritage features and/or key hydrologic features have been identified on or adjacent to the subject property:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Wetlands | <input type="checkbox"/> Significant Wildlife Habitat | <input type="checkbox"/> Area of Natural and Scientific Interest (ANSI) |
| <input checked="" type="checkbox"/> Fish habitat | <input type="checkbox"/> Significant Woodlands | <input checked="" type="checkbox"/> Other key hydrologic feature (stream, pond, lake) |
| <input checked="" type="checkbox"/> Species at Risk | <input checked="" type="checkbox"/> Habitat of Endangered or Threatened Species | |

Does the proposal require a Natural Heritage Evaluation to address the features identified above?

☒ Yes ☐ No

Sections 4.2.3 and 4.2.4.1(c) of the Growth Plan (2019) state that development and site alteration, including lot creation, is not permitted in key hydrologic features or the minimum 30 metre vegetation protection zone (VPZ) surrounding the feature. In addition, Section 4.2.4.1 of the Growth Plan (2019) states that development within 120 metres of a key hydrologic feature will require a natural heritage evaluation/hydrologic evaluation.

Given the proximity of the severed parcel 2 to the unevaluated wetlands on the property, the lot lines will be required to be adjusted to ensure that the severed parcel is located outside the key hydrologic feature and its associated VPZ in order to comply with Growth Plan policy. If the lots lines are adjusted, but the severed parcel remains within the 120 metre buffer surrounding the feature, a natural heritage evaluation and/or hydrologic evaluation is required. Evaluations undertaken in accordance with these policies will identify the boundaries of the key natural heritage feature, vegetation protection zones, and any additional restrictions to be applied before, during and after development to protect the hydrologic and ecological functions of the feature. Please note that any technical study submitted to the County will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense.

The Provincial Policy Statement prohibits development and site alteration, including lot creation, within habitat of endangered species and threatened species, except in accordance with provincial and federal requirements (S 2.1.7). Species at Risk (SAR) data available to the County has identified a possible species at risk on or adjacent to

the proposed severed lots, therefore, a SAR assessment is required as part of the natural heritage evaluation, referenced above.

Policy 2.6.2 of the Provincial Policy Statement states that "development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved". Using the Criteria for Evaluating Archaeological Potential Checklist, provided by the Province, it has been determined that there is high archaeological potential on the property since it is located within 300 metres of a major watercourse (Big Bald Lake), an Archaeological Assessment may be required. It is recommended that the applicants contact Curve Lake First Nation regarding study requirements.

Does the proposal meet Minimum Distance Separation requirements?

☐ Yes ☐ No ☒ Not Applicable

No livestock facilities identified within 1,500 m of subject property.

County Official Plan Policy Review:

Section 2.6.3.5 of the Plan suggests that residential severances for land holdings located in the Rural Area should be discouraged in favour of development in Settlement Areas in an effort to promote orderly growth and development. However, severances in the Rural Area may be considered provided Health Unit, road frontage and access and Minimum Distance Separation requirements can be met (Ss.2.6.3.5 (A), (C) & (G)) and provided the applicable policies of Sections 2.6.3.1, 2.6.3.5, 4.1.3 and 4.3 are complied with (S.2.6.3.5 (H)).

Section 2.6.3.1 of the Plan states that "under no circumstances shall severances be recommended for approval where proposed severances are contrary to this Plan and/or the respective local Official Plan."

Municipal Official Plan Policy Review:

Land uses permitted in the Rural and Recreational Dwelling Area designations include limited permanent and recreational residential dwellings (S 5.2.1; S 5.4.1). Section 5.2.2 states that "In general, consents for residential purposes in the Rural area shall be discouraged and development shall be encouraged by plan of subdivision. However residential severances may be granted in accordance with the policies of Section 6.0 of this Plan."

On a property with more than one land use designation, the maximum number of lots that may be created by consent per land holding shall be three (3) severed lots and one (1) retained lot where a land holding is defined as a parcel of land recorded as a separate parcel in the Land Registry Office at least fifteen (15) years prior to the date of the severance application (S. 6.2.1.1.1). A search of County Land Division records indicates that the subject lands have not received any consents (severances) for new lot creation within the past 15 years and therefore appears eligible for consent.

The Environmental Protection designation also includes natural hazard areas and features, which may pose a threat to life and property due to inherent characteristics such as floodplains, erosion and dynamic beach hazards, and steep slopes. Section 5.9

states that lands designated as Environmental Protection are primarily intended for preservation and conservation of the natural land and/or environment, and should be managed in such a fashion as to complement adjacent land uses and protect such uses from physical hazards.

Section 6.2.1.4.1 states that severances that create new lots shall only be considered when both the newly created lot and the retained lot front on an assumed public road that is currently maintained on a year-round basis by a public authority. In the Recreational Dwelling Area severances may be granted where access is from a private road, where the proposal involves limited extension of a private road. Only Severed Lot 1 is within the Recreational Dwelling Area and may be provided this exception provided a deeded right of way is created to access the parcel.

Section 6.2.1.9 states, in part, that where proposed severances are considered which would create new lots abutting or adjacent to a County Road the Peterborough County Public Works will be consulted to ensure that the requirements of their entrance by-law are met. See attached comments from the County's Infrastructure Services Department (formerly Public Works Department).

Section 6.2.1.12 states, in part, that severances will be discouraged in low lying areas and shall not be granted on parcels subject to flooding or other physical hazard. The Municipality may require an Environmental Impact Study (EIS) as part of any proposal for development, including lot creation, or site alteration, where potential exists for a negative impact on the natural environmental features, functions and/or adjacent lands (S. 5.1.10.3 (b)). The retained parcel appears to be severely constrained by wetland features. There does not appear to be a suitable building envelope or access route that would not intersect a wetland and will be required to be addressed as part of the Environmental Impact Study/Natural Heritage Evaluation referenced above.

As applicable, all consents must meet road frontage & access, Zoning By-law and Health Unit requirements (S. 6.2.1.4.1, 6.2.1.5 & 6.2.1.6). The subject lands are zoned Rural Exception 45 (RU-45) Zone which permits a minimum lot area of 8 ha (20 acres) and recognizes the existing lot frontage. Rezoning of the parcels will be required to a more appropriate zone given the irregularity of the lots and limited frontage for the two severed parcels. The applicant should discuss the proposal with the Township to determine if a rezoning of the severed and retained parcels would be supported.

Reviewed By: Amanda Warren

Additional Notes

Agencies to be contacted by landowner or agent (marked with an X):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Township | <input checked="" type="checkbox"/> Peterborough Public Health |
| <input type="checkbox"/> Conservation Authority | <input type="checkbox"/> Trent-Severn Waterway |
| <input type="checkbox"/> Source Water Risk Management Officer | <input checked="" type="checkbox"/> First Nations |
| <input checked="" type="checkbox"/> Ministry of Environment, Conservation and Parks | <input type="checkbox"/> Other |

- ☒ Proposal requires confirmation from the Township or identified agency regarding policy conformity.

* The landowner should be aware that local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of the Zoning By-law.

* The lands may be within the watershed of a local Conservation Authority. It is recommended that you contact the Authority to determine what, if any, permits may be necessary:

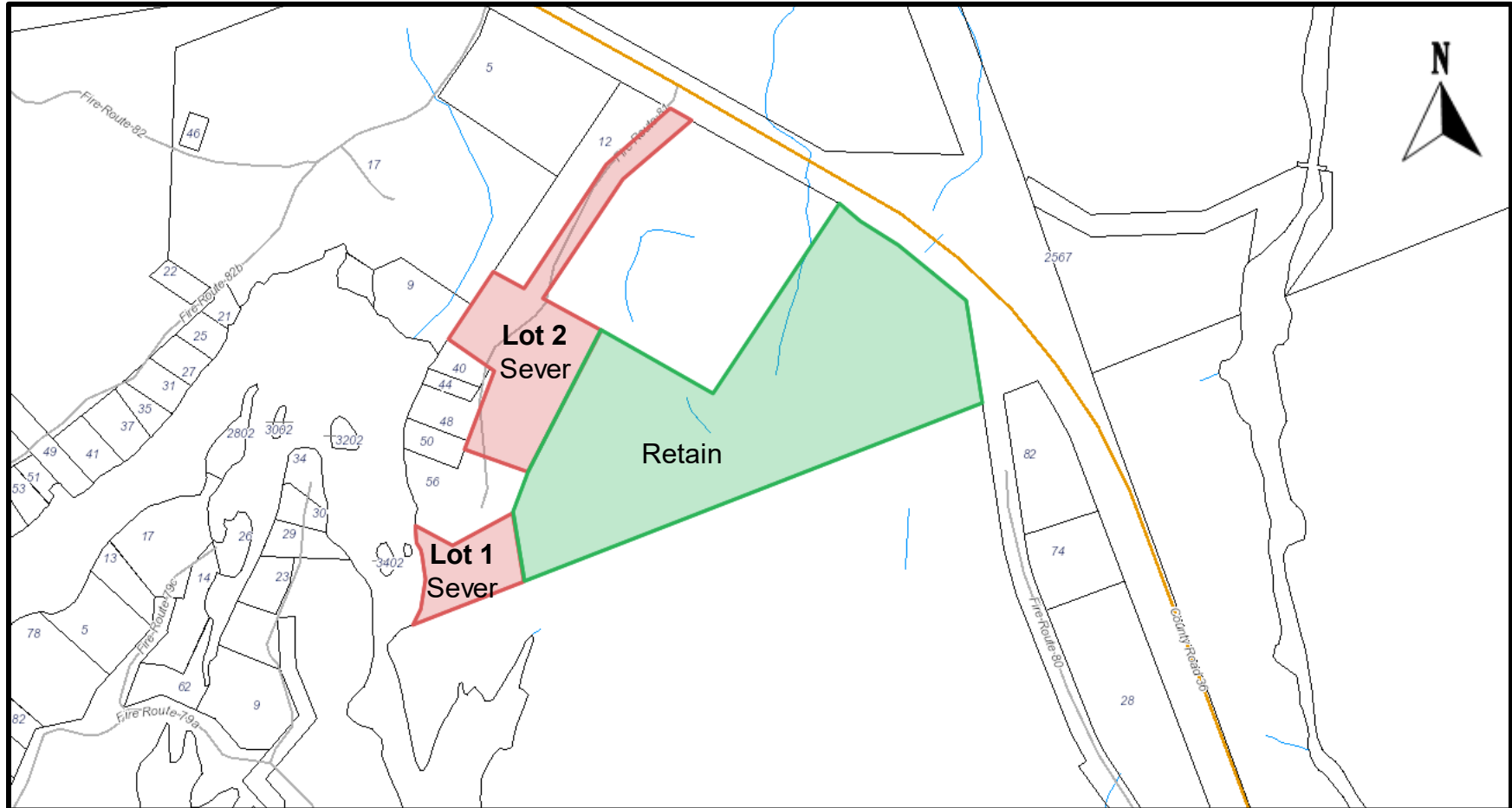
- ☒ No Conservation Authority in the area
- ☐ Otonabee Region Conservation Authority (ORCA), (705) 745-5791
- ☐ Crowe Valley Conservation Authority (CVCA), (613) 472-3137
- ☐ Kawartha Region Conservation Authority (KRCA), (705) 328-227

* It is the responsibility of the landowner to identify endangered and threatened species and their habitat on the property prior to undertaking work, and to ensure that the work/activity will not result in negative impacts. Landowners are encouraged to consult with the Ministry of Environment, Conservation and Parks (MECP) if they have questions about the *Endangered Species Act, 2007 (ESA)*. Any sightings of a threatened or endangered species during development and construction on the property must be reported in accordance with the ESA.

Important

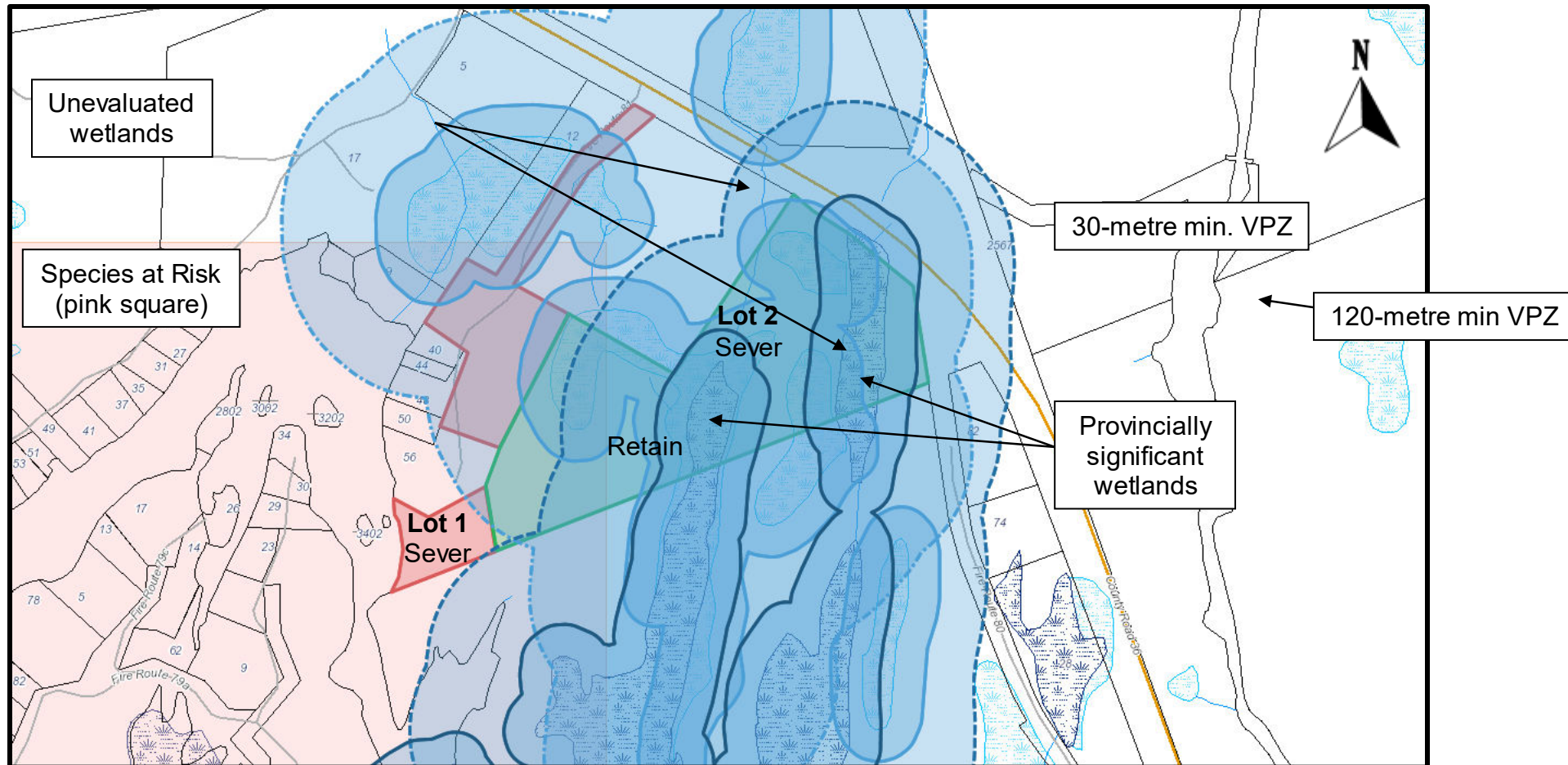
Our position on the overall conformity of the proposal is based on information available at the time of review. Subsequent information from commenting agencies can change our comments relating to any formal application for severance which is subsequently filed. The above-noted comments should not be construed as preliminary approval or denial of a proposal but recognized as a position of the County Planning Department based on the availability of current information.

Roll # 154201030221401
Part Lot 15, Concession 9, Harvey
(Davidson-Barns)
Severance Sketch



Scale (metric)
1:3942

Roll # 154201030221401
Part Lot 15, Concession 9, Harvey
(Davidson-Barns)
Constraints Sketch



NOTE: Development and site alteration, including lot creation, is not permitted within key hydrologic features; any development proposed within the 120 metre buffer surrounding key hydrologic features requires a natural heritage evaluation/hydrologic evaluation to identify a vegetative protection zone (no less than 30 metres). No development, including lot creation, is permitted within the 30 metre vegetation protection zone (VPZ).

Scale (metric)
1:3942



**Infrastructure Services
Engineering & Design**

**Daniel Ilkiewicz
Engineering Technician**

Location:
310 Armour Road
Peterborough, Ontario
K9H 1Y6

Mailing Address:
470 Water Street
Peterborough, Ontario
K9H 3M3

Ph: (705) 743-0380
Ext 3205
Fax: (705) 749-2551

dilkiewicz@ptbocounty.ca

www.ptbocounty.ca

Severance Review Form

Applicant: Art Davidson

File No.:
Date: 2021-01-18

County Road: 36

Speed limit in front of subject property: 80km/hr

Conditions:

Traffic Study required

Yes

☐

No

☒

Road Widening required

☐☒

Length/Width/Location of Widening: N/A

Permits:

Yes

No

Single Entrance Permit required for Severed No.1

☐☒

Single Entrance Permit required for Severed No.2

☐☒

Single Entrance Permit required for Retained

☒☐

Mutual Drive Entrance Permit required

☐☒

Notes / further comments:

The existing Fire Route (Fire Route 81) access from County Road 36 onto the proposed severed parcel No. 1 meets the County of Peterborough Entrance By-Law #2012-26 (entrance permit is not required).

Access to the proposed severed parcel No. 2 shall be via a right-of-way on title over the existing Fire Route (Fire Route 81) of the proposed severed parcel No. 1 from County Road 36, and shall be via a right-of-way on title over the proposed retained parcel.

An entrance from County Road 36 onto the proposed retained parcel will be permitted as it meets the requirements for an entrance under the County of Peterborough's Entrance By-Law #2012-26. Please note that the entrance shall meet the minimum spacing requirement of 150 metres between adjacent entrances as described in the County Peterborough Entrance By-Law #2012-26. Please find attached, a pdf of a map that illustrates the location of where a residential entrance would be permitted.

Please find attached, a pdf that illustrates where the parcels are located and the the names of the proposed parcels.



...../2

County of Peterborough

If you have any questions/concerns please contact Daniel Ilkiewicz at 705-743-0380 Ext 3205.

Daniel Ilkiewicz
Engineering Technician
Engineering & Design Division,
Infrastructure Services Department

Art Davidson entrance location for proposed retained parcel

187 metres

Location of where an entrance would be permitted for the proposed retained parcel. 187 metres south east of Fire Route 81.

2567

036-13300

036-1330



Appendix B

Natural Heritage Evaluation

Oakridge Environmental (Under Separate Cover)





Consent to Sever
Big Bald Lake
Municipality of Trent Lakes
February 16, 2023

Appendix C

Well Assessment

EcoVue Consulting Services

MEMO

TO: **B. Saunders/A. Srinivas**
DATE: **2023 01 03**
PROJECT NAME: **Big Bald Lake Consents**
PROJECT NUMBER: **21-2195**
SUBJECT: **Groundwater Capacity Assessment**

The owner of the property located between Fire Route 80 & 81 in the Geographic Township Harvey, the Municipality of Trent Lakes, is proposing to sever two lots on his property fronting on the County Road 36.

The Municipality has requested an assessment of the groundwater capacity for supporting new wells with a groundwater source for the proposed severances. A tabletop review of well records for the existing wells in the immediate area of the proposed severances was completed by the writer. A search of the well records on the MOECP website yielded numerous wells in the area, on the lake side of County Road 36. A total of five wells were considered for this assessment.

The flow rate for the wells ranged from a 3.0 gpm (gallons per minute) to a high of 8.0 gpm, averaging 5.2 gpm. It was noted the well depths ranged from 14.6 m (metres) to 91.4 m with an average depth of 48.6 m.

The depth of overburden is generally shallow which results in most of the wells being constructed in the granite bedrock.

The attached map shows the location of the existing water wells used for this assessment.

Based on the foregoing information, it is the assessment of the writer that the groundwater source would support additional domestic wells with a yield rate of about 5.0 – 6.0 gpm.

ECOVUE CONSULTING SERVICES INC.



Roy L. Haig, C.E.T.
Sr. Engineering Technologist

MEMO

TO: B. Saunders/A. Srinivas

DATE: 2023 01 03

PROJECT NAME: Big Bald Lake Consents

PROJECT NUMBER: 21-2195

SUBJECT: Groundwater Capacity Assessment

